

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 27, 1977
10:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

Present: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn, Trevino

Absent: None

APPROVAL OF MINUTES

Mayor Pro Tem Snell moved that the Council approve the Minutes for January 20, 1977. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn, Trevino

Noes: None

EXECUTIVE SESSION

Mayor Friedman stated that an Executive Session had been held earlier in the morning to discuss the proposed settlement between the City of Austin and the other customers of LoVaca group. No action was taken by the Council, except a request that an item be placed on next week's agenda at which time the Council will decide at what date to call an evening Public Hearing to fully discuss, with public and Southern Union Gas Company, the issue at hand. Questions that the Council has concerning the settlement will be forwarded to the proper authorities so that they will have the answers before the Public Hearing.

PARADE OF AMERICAN MUSIC

Mayor Friedman read and then presented to Mrs. Joan Schmidt of the Wednesday Morning Music Club, a proclamation denoting the month of February as "American Music Month." The proclamation cites the National Federation of Music Clubs for having as a foremost objective the promotion of American Music and the staging of its annual "Parade of American Music" throughout the month of February. Also commended is the American Federation of Music Clubs of our City for encouraging and stimulating interest in American Music and the enjoyment and appreciation thereof. Mrs. Schmidt thanked the Council for the proclamation.

KMFA WEEK

Councilmember Hofmann read and presented to Station Manager John Eddins of Radio Station KMFA-FM a proclamation citing the week of January 29, 1977, through February 6, 1977, as KMFA WEEK.

January 30, 1977, marks the tenth anniversary of KMFA-FM, Austin's only stereo, full-time classical music station. The station has had many crises when contributions were not sufficient to meet expenses, but it was kept alive through the determination of founders, supporters, and fund drives launched every six months, to which thousands have responded. Mr. Eddins thanked the Council.

BILINGUAL EDUCATION WEEK

A proclamation setting aside the week of January 24-30, 1977, as Bilingual Education Week was read by Councilmember Trevino. The proclamation cited the Bilingual Education Act for encouraging educational programs using bilingual educational practices in elementary and secondary schools for children of limited English-speaking ability.

Members of the National Advisory Council on Bilingual Education who were in Austin to study this issue and ask opinions of Texans were cited by Councilmember Trevino and presented with a Certificate of Honorary Citizenship to the City of Austin. They were:

Mrs. Paula Alleva	Brooklyn, New York
Mr. Fernando Alvarez	New York City
Mrs. Gudelia Bentancourt	New York
Dr. Alfredo G. de los Santos, Jr.	Austin, Texas
Mrs. Evelyn J. Fatolitis	Florida
Dr. Lorraine P. Gutierrez	Albuquerque, New Mexico
Dr. Fucheng Richard Hsu	New York
Mr. James David Lehmann	Eagle Pass, Texas
Dr. Evelyn P. Lytle	New Orleans, Louisiana
Mr. Omer Picard	Maine
Mr. Carmelo Rodriguez	Chicago, Illinois
Mrs. Teresa Chi-Ching Sun	Los Angeles, California

The proclamation was accepted by Dr. John C. Molina, Director of the Office of Bilingual Education, Washington, D. C.

ZONING HEARINGS

Mayor Friedman announced that the Council would hear the zoning cases scheduled for 10:00 A.M. Pursuant to published notice thereof, the following zoning cases were publicly heard:

FRANCIS X. BOUCHARD	1502 Spyglass Drive,	From "LR" Local Retail
By W. Lee Choate	also bounded by Barton	1st Height and Area
C14-76-113	Skyway	To "GR" General Retail
		1st Height and Area
		RECOMMENDED by the Planning
		Commission

Mr. Dick Lillie, Planning Department Director, said this was the first of three cases which the Planning Commission has recommended without conditions. This case is located in southwest Austin off Barton Skyway. It is in the center of a developing apartment complex. The Council, a year or so ago, granted Local Retail zoning on the corner and also as subject to that zoning, the zoning on the other corners would remain apartment zoning, and not be re-zoned for Commercial use. This request is to zone one-half of a commercial building from Local Retail to General Retail and an existing small convenience center. The purpose of this is to permit the restaurant which is there now to sell alcoholic beverages incidental to the sale of food. Application has been recommended by the Commission and there was no opposition.

Councilmember Hofmann questioned Barton Skyway as not being a future major arterial since it has been cut out of planning. Mr. Lillie replied that it is still in the Master Plan, and until it is withdrawn from the Master Plan, it is still considered to be a future arterial. The Master Plan will be before the Council shortly so recommendation can be observed.

Councilmember Himmelblau asked if they go ahead with the "GR" General Retail, can it be conditional that if the restaurant would no longer function, this would roll back to "LR" Local Retail. Mr. Lillie said the only difference between Local Retail and General Retail is the alcoholic beverages. Councilmember Himmelblau said she would not like the intensified zoning to remain if the restaurant would go out of business. Councilmember Linn asked if that would be put in as a condition.

Mayor Friedman said Barton Skyway is a good point, and asked if this zoning would in any way have any decision to put through Barton Skyway because intense zoning is being put in. Mr. Lillie replied that the zoning would have no influence.

Councilmember Linn moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission with a condition of a rollback if not used for a restaurant. The motion, seconded by Councilmember Himmelblau, carried by the following vote: (Applicant was present)

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Lebermann,
Linn, Trevino, Mayor Friedman
Noes: Councilmembers Hofmann

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District with condition, and the City Attorney was instructed to draw the necessary ordinance to cover.

STATEWIDE STATIONS,
INC.
By G.G. Thorne, III
C14-76-119

1400 West Ben White
Boulevard, also
bounded by Fort View
Road

From "GR" General Retail
1st Height and Area
To "C-1" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission

Mr. Lillie told the Council the application fronts on Ben White Boulevard and backs up to Fort View Road, which is a short neighborhood street. The applicant proposes to convert a vacant service station on the lot to a liquor store. The C-1 zoning would permit it. The general uses in the area are totally commercial and are zoned Commercial.

Councilmember Hofmann wanted to know if liquor consumption was totally off-premise consumption or on-premise consumption. Mr. Lillie stated that it was off premise. It was for a liquor store and not a bar, lounge or tavern.

Councilmember Himmelblau moved that the Council grant "C-1" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN
By Planning Department
C14-76-120

1505 Windsor Road,
also bounded by
Enfield Road and
Harrell Lane

From "B" Residence
1st Height and Area
To "A" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission

Mr. Lillie reported that this tract is a large residential lot containing a large old residence, the Batts house, at the intersection of Windsor Road and Enfield Road in West Austin. Surrounding zoning is single family and duplex residence. The City owns the tract and plans to sell the property excluding the street right-of-way. The Historic Landmark Commission and the Planning Commission have reviewed the property and determined that the house does not qualify as a historic landmark. Planning Commission requests the roll back in zoning to preserve the character of the existing property.

Councilmember Linn moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor
Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area, and the City Attorney was instructed to draw the necessary ordinance to cover.

HERMAN DEGOLLADO,
ET UX
By William F. Kemp
C14-76-094

6511 Santos Street,
also bounded by Vargas
Road

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area

RECOMMENDED by the Planning
Commission, subject to a restrictive
covenant authorizing the City to roll
back to "A" Residence in the event the
Degollado's cease to operate the
garage, and requiring a six-foot
privacy fence on the north and west
property lines.

The property is located in the Montopolis community. The existing land usage is Residential in the north, west and east. To the south is a drive-in theatre and the existing zoning adjacent to the residential usage is Local Retail. The drive-in theatre was constructed when this land was outside of the City limits, not subject to zoning. The owner is operating a small garage at the location. Councilmember Linn asked if all the neighborhood was in agreement with this change. Mr. Lillie said that it was. Applicant was present.

Councilmember Linn moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission, and subject to conditions. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

WALNUT HOLLOW
BUSINESS PARK
By William C.
Montandon
C14-76-097

F.M. Road 969 and
Johnny Morris Road

From Interim "A" Residence
1st Height and Area
To "DL" Light Industrial
1st Height and Area
RECOMMENDED as amended, by the
Planning Commission, subject
to dedication of one-half the
additional right-of-way, 20
feet, necessary to increase
Johnny Morris Road from 50 to
80 feet.

This area is industrial, as designated by the comprehensive planning for the City of Austin, according to Mr. Lillie. Council had before it last month an application on the northwest corner of Tract 1 and the Council postponed action on that application waiting for the entire tract to come before them. The application before them today deleted Tract 2, but does include a recommendation

from the Commission that Tract 1 be zoned "DL" Light Industrial. The reason the Planning Commission was hesitant to zone this was to understand the Parks and Recreation needs in this particular area. The City is not interested in acquiring any of this area for park purposes. A flood alleviation plan is being developed for this property. Applicant was present.

Councilmember Himmelblau moved that the Council grant "DL" Light Industrial, 1st Height and Area District, as amended as recommended by the Planning Commission, subject to conditions, ~~the motion~~, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Councilmembers Himmelblau, Hofmann, Lebermann

Noes: Councilmember Linn, Mayor Pro Tem Snell

The Mayor announced that the change had been granted to "DL" Light Industrial, 1st Height and Area District as amended, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

ROMAMI COMPANY
By George Butler
C14-76-110

505-519 Radam Lane

From "A" Residence
1st Height and Area
To "B" Residence
1st Height and Area
RECOMMENDED as amended by the
Planning Commission, subject
to a letter providing for a
6-foot privacy fence on the
north and east property lines.

Mr. Lillie noted that this case falls off of South First Street just south of Ben White Boulevard. The application includes the south 135 feet of a rather deep lot. The front of the tract has been withdrawn and has an existing house on it. The access would be through "C" Commercial and which is under the same ownership to South First Street to the west. There are a number of small residences in the area and the Planning Commission felt that access should not be approved to that street.

Mayor Friedman made the point that the Council would want more than the letter, that they do want the fence placed there. He said he also wanted a draft order pertaining to the fence, not just a letter. Applicant present.

Councilmember Linn moved that the Council grant "B" Residence, 1st Height and Area as amended, as recommended by the Planning Commission, subject to conditions and with something more than a letter. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn

Noes: None

The Mayor announced that the change had been granted to "B" Residence, 1st Height and Area District, as amended and subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

LYNN STORM
C14-76-118

3801-3811 South Lamar
Boulevard
2317-2325 Panther Trail
3800-3808 Victory Lane

From Interim "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission subject to dedica-
tion of one-half the additional
right-of-way, 5 feet, necessary
to increase Panther Trail from
50 to 60 feet.

This application falls near the intersection of Ben White Boulevard and South Lamar, according to Mr. Lillie. It is an area that has received Local Retail zoning in the past and Commercial zoning in the past to the north and south, also adjacent to Porter Junior High School. Recommendation is to grant General Retail zoning subject to right-of-way on the northern street.

Councilmember Hofmann asked what the property was to be used for since it is so close to the school. Mr. Lillie stated that a restaurant is the most likely use for it, but that it could be something else zoned General Retail. Councilmember Hofmann then inquired if a pool hall could be put there. Mr. Lillie said that would require "C" Commercial. Councilmember Linn asked if this was surrounded with really intense zoning already. Mr. Lillie said it has Local Retail zoning to the north all the way up South Lamar and "C" Commercial all around the intersection of Ben White, also Commercial zoning on west side of the street.

Councilmember Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Linn, carried by the following vote: (Applicant was not present)

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman

Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

HART GRAPHICS &
OFFICE CENTER, INC.
By William L. Hart
C14-76-112

8000 Shoal Creek
Boulevard

From Interim "A" Residence and
"O" Office
1st Height and Area
To "D" Industrial
1st Height and Area
NOT Recommended by the Planning
Commission
RECOMMENDED "D" Industrial, 1st
Height and Area, excluding
the two access corridors
presently zoned "O" Office.

Mr. Lillie said that this zoning falls in north Austin between Shoal Creek Boulevard and Missouri Pacific Railroad. It has been designated for industrial use and office use. Applicant was present.

Councilmember Linn moved that the Council grant "D" Industrial, 1st Height and Area District, excluding the two access corridors presently zoned "O" Office as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell
Noes: None

The Mayor announced that the change had been granted to "D" Industrial, 1st Height and Area District, excluding the two access corridors presently zoned "O" Office, and the City Attorney was instructed to draw the necessary ordinance to cover.

CHESTER SCHULTZ,
ET AL
By E. C. Thomas
C14-76-096

1605-1711 and 1620-
1708 Dungan Lane, also
bounded by Cameron Road

From Interim "AA" Residence
1st Height and Area
To "DL" Light Industrial
1st Height and Area
NOT Recommended by the Planning
Commission
RECOMMENDED "GR" General Retail,
1st Height and Area to a depth of 200
feet from the east line of Cameron Road
after right-of-way provision and "DL"
Light Industrial, 1st Height and Area on
the remainder of the tract, subject to
dedication of one-half the additional
right-of-way, 10 feet, to increase Dungan
Lane from 50 to 70 feet, and 20 feet to
expand Cameron Road to 45 feet from the
centerline. City will purchase the
remaining 15 feet to increase Cameron
Road to 120 feet (Tract 1). Recommended
"A" Residence, 1st Height and Area, on the
westernmost 50 feet measured from the
north line south for a distance of 270
feet, and "DL" Light Industrial, 1st Height
and Area, on the remainder of Tract 2.

Mr. Lillie requested that No. 117 be considered at the same time, as Case No. C14-76-117 is adjacent to the subject tract.

Councilmember Linn moved that the Council grant "GR" General Retail, 1st Height and Area District to a depth of 200 feet from the east line of Cameron Road after right-of-way provision and "DL" Light Industrial, 1st Height and Area on the remainder of the tract, subject to conditions; City will purchase the remaining 15 feet of right-of-way to increase Cameron Road to 120 feet, on Tract 1; and also grant "A" Residence, 1st Height and Area District on the westernmost 50 feet measured from the north line south for a distance of 270 feet, and DL Light Industrial, 1st Height and Area on the remainder, on Tract 2, as recommended by the Planning Commission. The motion, seconded by

Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor
Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District to a depth of 200 feet from the east line of Cameron Road after right-of-way provision, and "DL" Light Industrial, 1st Height and Area District on the remainder of the tract, subject to conditions; City will purchase the remaining 15 feet of right-of-way to increase Cameron Road to 120 feet, on Tract 1; and also ~~had been~~ granted "A" Residence, 1st Height and Area District, on the westernmost 50 feet measured from the north line south for a distance of 270 feet, and "DL" Light Industrial, 1st Height and Area District on the remainder, on Tract 2; and the City Attorney was instructed to draw the necessary ordinance to cover.

IVAN H. ROBERTS
By William Stringer
C14-76-117

9550 Brown Lane

From Interim "A" Residence
1st Height and Area
To "DL" Light Industrial
1st Height and Area
NOT Recommended by the Planning
Commission
RECOMMENDED by the Planning
Commission "A" Residence on the
westernmost 50 feet and "DL"
Light Industrial, 1st Height
and Area, on the remainder,
subject to dedication of one-
half the additional right-of-
way, 15 feet, to increase
Brown Lane from 50 to 80 feet.

Mr. Lillie indicated on a map that these two applications have a number of industrial uses in the area (C14-76-096 and C14-76-117). The staff is initiating an application for a change in the Master Plan to include all of the areas so used. The Master Plan change will be presented to Council in March.

Councilmember Linn moved that the Council grant "A" Residence on the westernmost 50 feet and "DL" Light Industrial, 1st Height and Area, on the remainder subject to conditions, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor
Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, on the westernmost 50 feet and "DL" Light Industrial 1st Height and Area District on the remainder, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

WAYNE LAYMON
CONSTRUCTION
COMPANY
By Norman Janssen
C14-76-108

12032 Research Boulevard
also bounded by Arabian
Trail

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "A" Residence on the
southernmost 28 feet and on the
northernmost 25 feet along U.S.
183 excluding area for 2 one-
way 20-foot driveways, and "GR"
General Retail, 1st Height and
Area on the remainder of the
tract, subject to a restrictive
covenant providing for a 6-foot
privacy fence along the south
line of the General Retail.

Mr. Lillie said that this land is located in northwest Austin on Highway 183, and Arabian Trail, a residential collector street. The lot fronts both the highway and the internal street. In order to develop compatibility with the established neighborhood, the staff recommended that the south half be zoned to permit single-family or duplex structure and the northern half of the lot be zoned for General Retail. That is the half that faces 183. At the first public hearing there were a number of people in opposition to the application. At the second public hearing only two persons appeared in opposition, but a petition was received that did not have adequate percentage of signatures. It had 13% and 20% is required.

Discussion followed between Mr. Lillie and Councilmember Himmelblau, who questioned whether residents were informed of the second meeting. Mr. Lillie said he would check while testimony was being taken. He was later informed notices had been sent for both meetings.

WAYNE LAYMON said that prior to the property being annexed into the City it was designated for commercial purposes. Mayor Friedman asked if proper fencing was planned. Mr. Laymon said a picket fence was planned. Mayor Friedman said he thought there should be a solid privacy fence around three sides.

SAM SPANGLER said four out of five property owners in the area were opposed to the zoning. He felt that "GR" General Retail zoning would allow too intense development to be compatible with the rest of the area. He suggested changing it to "O" Office to be compatible with residential. He said the planned establishment was a Sonic-Burger Drive-In. He felt added traffic plus the cooking odors would be detrimental. He said they were already faced with Catfish Parlor. Councilmember Himmelblau said she agreed with Mr. Spangler. She had been aware of Catfish problem earlier in the year and stated she did not like to see the problem compounded, but knew that there had to be development along 183. Mr. Lillie said Office zoning was not discussed with the applicant.

Motion

Councilmember Linn moved that this request be denied. The motion was seconded by Councilmember Hofmann.

Councilmember Himmelblau asked if it would be kinder to the applicant to send this back to Planning and bring it back with a lesser degree of zoning. Mr. Lillie said he could come back next month with another application since the Planning Commission had recommended it.

Substitute Motion

Councilmember Himmelblau said that in fairness to the applicant, she wanted to offer a substitute motion that if he wished, he could go back to the Planning Commission and ask for a lesser degree of zoning. Mr. Laymon said property had been said subject to being able to get "GR" General Retail zoning. Councilmember Himmelblau then withdrew her substitute motion.

Roll Call on Original Motion

Roll Call on Councilmember Linn's motion, Councilmember Hofmann's second to deny the zoning showed the following vote:

Ayes: Councilmembers Lebermann, Linn, Mayor Friedman, ~~Councilmembers Himmelblau, Hofmann~~
Noes: Councilmember Trevino, Mayor Pro Tem Snell

The Mayor announced that the request had been denied.

Motion to Reconsider

Mr. Laymon returned later and asked the Council to reconsider and requested the zoning be changed to "O" Office. Councilmember Trevino moved that the Council reconsider the zoning. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell
Noes: None

Motion

Councilmember Himmelblau moved that the Council grant "A" Residence, 1st Height and Area District on the southernmost 28 feet and the northernmost 25 feet along U. S. 183 excluding area for 2 one-way driveways, as recommended by the Planning Commission, and grant "O" Office, 1st Height and Area District on the remainder of the tract subject to a restrictive covenant providing for a 6-foot privacy fence on all three sides. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor
Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District on the southernmost 28 feet and the northernmost 25 feet along U.S. 183 excluding area for 2 one-way driveways, and "O" Office, 1st Height and Area District on the remainder of the tract, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

TIPS HOUSE
Franklin Savings
and Loan Association
owner
C14h-74-002

135 West Oltorf Street,
also bounded by South
Congress Avenue

From "C" Commercial
2nd Height and Area
To "C-H" Commercial-Historic
2nd Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Lebermann moved that the Council grant "C-H" Commercial-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino

Noes: None

The Mayor announced that the change had been granted to "C-H" Commercial-Historic, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

ZONINGS DENIED

The Council publicly heard and denied the following zoning changes:

JIMMY D. FOSTER,
ET UX
By Pascual L.
Piedfort
C14-76-116

3201 Manchaca Road

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission subject to a
restrictive covenant limiting
the use of "O" Office to the
professional and semi-profes-
sional office uses and the
density of apartment units
which could be built to the
density limitation of "BB"
Residence.

Mr. Lillie said this application falls on Manchaca Road south and east of South Lamar Boulevard. Existing use of the tract is for single-family residences. In reply to Councilmember Himmelblau's inquiry, Mr. Lillie stated that the Planning staff recommended "BB" only, as that would be more compatible. The applicant was present.

Councilmember Linn moved that the Council DENY the zoning application. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino

Noes: Mayor Friedman, Mayor Pro Tem Snell, Councilmember Lebermann

The Mayor announced that the zoning request had been DENIED.

MOREY STERZING &
WALKER, INC.
C14-76-114

4501-4505 Avenue G,
4500-4502 Avenue H,
and also bounded by
East 45th Street

From "A" Residence
1st Height and Area
To "B" Residence
2nd Height and Area
NOT RECOMMENDED by the
Planning Commission

Councilmember Linn moved that the Council DENY the request for zoning change, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

The Mayor announced that the zoning request had been DENIED.

HARVEY H. LANE
and
JOHN VAN WINKLE
C14-76-011

Westlake Drive

From Interim "AA" Residence
1st Height and Area
To a 41-unit Planned Unit
Development called "LOS ALTOS
CONDOMINIUMS."
NOT Recommended by the Planning
Commission

Mayor Friedman said there had been a change since the public hearing, from 44 to 41 units. Mayor Pro Tem Snell asked about the entrance.

MR. BERT HOOPER, attorney for the applicant and Mr. Lane, said they had proposed a one-way drive, but had been told it would be better to have two-way entrances and exits for emergency vehicles. Mayor Friedman brought out that County Commissioner Richards and others opposed the location of the entrance and the applicants were now proposing additional ones. BILL BULLOCH, Urban Transportation, stated they reviewed for circulation only and not the location of the entrances, and they recommended that they should be 2-way.

In reply, Mayor Pro Tem Snell inquired if the new proposal had been seen by any of the people objecting to the original proposal. John Scanlon, attorney for the opposition said, "no." This was the first they had heard of it. Councilmember Hofmann said that before voting he would like the City Attorney to settle the question once and for all, "Are four votes or six votes required when not recommended by the Planning Commission?" Mayor Friedman replied that the City Attorney had issued a memo saying six votes are required.

Councilmember Lebermann asked Mr. Lillie to discuss whether or not the Planned Unit Development conformed with the Lake Austin Plan. According to Mr. Lillie, in respect to this particular site, there are no improvements on this tract that are in the flood plain. All development occurs on the top so that there are no cut and fill issues involved. The Lake Austin Study is not a question of esthetics or density. He said that the only question regarding this plan that was not compatible was the impervious cover which exceeded the percentage recommended in the plan. Mr. Lillie continued that the concepts for

the retention and filtration of water were submitted by the applicant to the Engineering Department, and they have been approved. Dr. Maureen McReynolds, Director of Environmental Resource Management, said they did not have the data as to what the present quality was and there would be no way to monitor it. Mr. Charles Graves, Director of Engineering, said the quantity of water could be controlled, but it would be hard to determine the quality.

There was further discussion concerning the number of units originally planned and those in this proposal.

Councilmember Himmelblau moved that the Council grant the change to a 41-unit Planned Unit Development. The motion, seconded by Councilmember Lebermann, showed the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Trevino
Noes: Councilmember Linn, Mayor Friedman

The Mayor announced that the change had been DENIED, because it takes 6 affirmative votes to grant.

SOLID WASTE RESOURCE/ENERGY DEVELOPMENT PLAN

Councilmember Hofmann requested that a public hearing be set for February 10 at 3 p.m. for the Solid Waste Resource/Energy Development Plan. Councilmember Himmelblau asked why there should be a public hearing when the report came back that it was not economically feasible. Councilmember Hofmann said that the report did have some very good ideas in it and she thought they should be discussed.

Councilmember Hofmann moved that the Council set a public hearing for February 10, 1977, at 3:00 p.m. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Hofmann
Noes: Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau

MOPAC STUDY ACCEPTED

Councilmember Himmelblau moved that the Council accept the report of the consultants and that they direct the staff to develop a detailed plan for timely Council action on each part of the consultant's recommendations, and further move that the Council re-affirm the City's determination to complete MoPac from Highway 183 on the north to Loop 360 on the south. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None

POLICY FOR NOTIFICATION OF STREET VACATIONS

Councilmember Trevino requested that a public hearing be set for February 10, 1977, at 4:00 p.m. regarding the policy for notification of residents in street vacations. He said the Council should indicate the scope of the surrounding area to be included in the notification of property owners regarding street vacation. At present notice is sent only to owners of property within 300 feet of a zoning case.

Councilmember Trevino moved that the Council set the public hearing for February 10, 1977, at 4:00 p.m. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

NOISE CONTROL ORDINANCE

Mayor Friedman moved that the Council refer the proposed Noise Control Ordinance to the Environmental Resource Management Department and other interested departments for study. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn, Trevino
Noes: None

RELEASE OF EASEMENT

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing the release of the following easement:

The ten (10.00) foot Drainage and Public Utility Easement between Lots 53 and 54, Block G, and the ten (10.00) foot Public Utility Easement between Lots 54 and 55, Block G, Scenic Brook West Section 1. (Requested by Byron E. Benoit as agent and engineer for John S. Burns, R. B. Rylander, Jr., George Elmer Hyden, Henery P. Warren and Jerry Angerman, owners of Scenic Brook West Section One.)

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Mayor Friedman
Noes: None
Not in Council Chamber when roll was called: Councilmember Trevino

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing release of the following easements:

The ten (10.00) foot Public Utility Easement in Lot 16, Block T, Northwest Hills Cat Mountain Section Amended, a subdivision in the City of Austin, Travis County, Texas, also known as 4302 Cat Mountain Drive. (Requested by Mr. Charles L. Wilson, representing Centex Swimming Pool Company, as agent for Mr. and Mrs. Dalhart Windberg, owners of Lot 16, Block T)

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Mayor Friedman

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

CITY OF AUSTIN PERSONNEL POLICIES

Mayor Friedman said that the revised City of Austin Personnel Policies needed to have some additional reports back from the City Manager regarding some areas where he and his staff have some concern regarding clarification of problems involving legal or charter language. He requested that this issue be placed on the Agenda for February 3, 1977. Jimmie Flakes, Personnel Director, made a report on the latest changes, stating the Council had been sent a copy of the revised policies.

CHANGE ORDER

Councilmember Linn moved that the Council adopt a resolution authorizing Change Order No. 15 for the Walnut Creek Wastewater Plant Improvements in the amount of \$23,816.04 to Blount Brothers Corporation. CAPITAL IMPROVEMENTS PROGRAM. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau

Noes: None

Councilmember Linn asked if this was the wall that had fallen down and Mr. Eldridge stated that the top of the wall had fallen. He stated that the wall was 25 feet high. The wall had stood for 3 weeks prior to falling in a strong wind. Councilmember Linn asked Mr. Eldridge who the engineers were that constructed the wall, and he stated that they were Black and Veatch. Councilmember Linn recommended not using that firm again. She also stated that a list of bad contracting and engineering firms was needed so that the City could not give them any more contracts. She asked Mr. Eldridge if the City had to hire a special consultant to come in and evaluate the structure. He stated that for \$500 on approval by the City Manager, they had hired Dr. Richard Furlong out of the University of Texas. Councilmember Linn asked if the responsible party was going to pay for the hiring of this engineer, but Mayor Friedman stated that that decision was up to our Legal Department. Dr. Linn asked Mr. Eldridge if there were any other structural defects noted, and Mr. Eldridge stated that none were found.

JOINT USE AGREEMENT

Councilmember Linn moved that the Council adopt a resolution authorizing entrance into a Utility Joint Use Agreement between the State Department of Highways and Public Transportation and the City of Austin for the relocation of a guy wire at 4910 North IH 35 to clear a newly installed driveway. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None

CONTRACTS AWARDED

Councilmember Lebermann moved that the Council adopt a resolution awarding the following contracts:

BURNUP & SIMS OF TEXAS, INC. 2716 East Fifth Street Austin, Texas	- Electric Utility Transmission and Distribution Construction, Alterations and Line Clearing Work - \$1,570,385.00.
---	---

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None

Councilmember Lebermann moved that the Council adopt a resolution awarding the following contract:

CARRIER AIR CONDITIONING COMPANY 511 West Rhapsody San Antonio, Texas	- Emergency Purchase of repair parts for air conditioning system at Municipal Auditorium. Repair parts \$14,485.52 Air Freight Charges \$1,283.36 Total:- \$15,768.88
---	--

seconded by Council

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None

Councilmember Lebermann moved that the Council adopt a resolution awarding the following contract:

MOORE BUSINESS FORMS, INC. 833 West 12th Street Austin, Texas	- Utility Statements for the Utility Customer Service Office - \$7,462.00.
---	---

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None

Councilmember Lebermann moved that the Council adopt a resolution awarding the following contract:

ACME FOOD SERVICE
611 Neches Street
Austin, Texas

- Catering Service, Nutrition Program for the Elderly, Parks and Recreation Department. Twelve month supply agreement including options for 3 twelve-month extensions and incorporate additional, similar food programs as may become existent during contract period, make adjustment in price per meal based on value of U.S.D.A. Commodities furnished the City, and provide for annual change of meal cost based on Bureau of Labor Statistics indexes, entitled "All Foods and Processed Foods."
- Item No. 1, est. 100,800 meals @ 1.14
- Estimated Total: \$114,912.00

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None

MUNICIPAL MAINTENANCE AGREEMENT

Councilmember Lebermann moved that the Council adopt a resolution authorizing entrance into a Proposed Municipal Maintenance Agreement with State Department of Highways and Public Transportation Councilmember, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

GRANTS

Mayor Friedman stated that the item under "Resolutions" authorizing acceptance of UMTA grant TX-05-0012 was in conjunction with the City Manager's report concerning the Transit Improvement Program - Capital Grants. Mr. Joe Ternus, of the Urban Transportation Department, said that they would like to present both of them at the same time. Mayor Friedman approved.

Mr. Ternus said that he would discuss the City Manager report first. The City Council had approved a year ago the solution of two grants, a Section 5 grant and a Section 3 grant for Federal assistance. Approval has been received for both grants. The operating impact on the City budget would be so great that the staff did not recommend the acceptance of both of these grants. Mr. Ternus said they do feel they should accept the Section 5 grant and resubmit most of the information in the Section 3 grant as a new grant. Discussion has taken place with the Federal officials and they concur with this method of switching some of the high operating expense items, removing these and still continuing our transit program.

With these changes, Mr. Ternus felt that with the impact on the Operating Budget, which is slightly over \$200,000.00, revenue can be generated so that there will be no major increase in the Operating Budget for the transit system the following year. He said a transit survey would be made in March, and routes where there is low ridership will be adjusted.

Councilmember Hofmann said she was disturbed by the fact that the City could not accept all of the grant that is being offered. She said she understood but that it worried her in relationship to the new public transportation plan. Mayor Friedman noted there had been work for several months to see that operating expenditures were met.

Mr. Ternus said that this is seen as a very strong direction of continuing the program but shifting the emphasis during the next year or two as developments of financial strategies to solve that problem. He went on to say that he was not asking at this meeting for approval of a revised proposed grant that would be coming back to the Council at a later time. He was asking for the authority to accept the revised Section 5 grant (UMTA, TX-05-0012). He said revision in the grant recommended the purchase of eight 45-passenger vehicles in lieu of four 53-passenger vehicles that are not available at the present time.

Councilmember Linn moved that the Council adopt a resolution authorizing acceptance of UMTA Grant TX-05-0012 as revised. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn, Trevino
Noes: None

DISPOSITION OF SUB-STANDARD STRUCTURES

Councilmember Linn moved that the Council authorize the Law Department to take proper legal disposition of the following sub-standard structures which have not been repaired or demolished within the required time:

- | | |
|--------------------------------|---------------------------|
| 1. 925 East 41st Street | - Winfred O. Gustafson |
| 2. 1307 East 1st Street (rear) | - Morris L. Daily, |
| 3. 5513 Joe Sayers | - William S. Plemons, Sr. |
| 4. 1208 East 13th Street | - Cellie Reese Harris |
| 5. 2100 East 17th Street | - Arvan Washington |
| 6. 1108 Valdez Street | - George G. Herrera |

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman
Noes: None

APPEAL OF SPECIAL PERMIT

Councilmember Lebermann moved that the Council set a hearing on February 24, 1977, 10:00 a.m., after the zonings, to hear an appeal from Joe Riddell of the decision of the Planning Commission granting a special permit for the Bee Cave, a 134-unit apartment project. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell
Noes: None

TEMPORARY STREET CLOSING

Councilmember Trevino moved that the Council adopt a resolution to temporarily close the 2400 block of Pearl Street from 4:00 p.m. to 6:00 p.m., February 11, 1977, as requested by Ms. Mimi Hackney of Kappa Alpha Theta Sorority. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor
Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None

CORRECTING ZONING ORDINANCE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 761230-B, ENACTED BY THE CITY COUNCIL ON DECEMBER 30, 1976, BY CORRECTING THE USE AND HEIGHT AND AREA DESIGNATIONS OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-76-088)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None

The Mayor announced that the ordinance had been finally passed.

AIR CONDITIONING REPAIR FOR AUDITORIUM

Mayor Friedman introduced the following ordinance:

AN ORDINANCE APPROPRIATING \$17,400 TO COVER COSTS OF AIR CONDITIONING REPAIR AT THE MUNICIPAL AUDITORIUM IN JUNE, 1976; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None

The Mayor announced that the ordinance had been finally passed.

PAVING ORDINANCES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF ADALEE AVENUE AND SUNDRY OTHER STREETS, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY TERRY EDWARDS CONSTRUCTION COMPANY; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

Mayor Pro Tem Snell moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF NORTH LAMAR BOULEVARD IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY HIGHWAY DEPARTMENT - TERRY EDWARDS CONSTRUCTION CO.; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

Mayor Pro Tem Snell moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn

Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOTS "A," "B," "C," AND "D," RIVERSIDE DEVIDE, SECTION III, LOCALLY KNOWN AS 1634-1656 EAST RIVERSIDE DRIVE AND 1700-1712 SOUTH LAKESHORE DRIVE, FROM "B" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Hixon Development Company, C14-74-052)

Mayor Pro Tem Snell moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Trevino

Noes: Mayor Friedman

Abstain: Councilmember Linn

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) A 7,250 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 808 WEST 11TH STREET, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,

(2) LOT "A" OF SENIOR CITIZENS ACTIVITY CENTER, LOCALLY KNOWN AS 2874 SHOAL CREST AVENUE, AND ALSO BOUNDED BY WEST 29TH STREET AND LAMAR BOULEVARD, FROM "A" RESIDENCE, FIFTH HEIGHT AND AREA DISTRICT AND "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Mary T. Stumpf Estate, C14-76-107; City of Austin, C14-76-105)

Mayor Pro Tem Snell moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino

Noes: None

Abstain: Mayor Friedman

The Mayor announced that the ordinance had been finally passed.

POLICE COMMUNITY RELATIONS

Chief of Police ~~Dyson~~ said that copies of the report on Police-Community Task Force Recommendations have been placed in the hands of all of the Task Force members who have had a part in recommendations to the Council. Chief Dyson said 70.6 of the recommendations have been totally or partially implemented, and 23.5 of the recommendations are now under active consideration for either total or partial implementation. Chief Dyson said he was pleased to submit this report to the Council so that they could review in detail the steps taken to implement the recommendations.

AFTERNOON SESSION

2:00 P.M.

Mayor Friedman called the afternoon session of the meeting to order.

CITIZEN APPEARANCE TO DISCUSS ANNEXATION TO LAKEWAY MUD NO. ONE

DON WOLF, Senior Assistant City Attorney, stated that Mr. Eddie H. Harvill, General Manager, Lakeway Municipal Utility District No. 1, could not appear before the Council due to an accident. Mr. Harvill had requested to appear to discuss petitions from Lakeway Company, Leisure Cove Corporation and Alpert Investment Corporation for annexation to the Lakeway Municipal Utility District No. One. Mr. Wolf stated that the annexation request involved three parcels of land which were "holes in the doughnut."

Councilmember Hofmann moved that the Council approve the annexation of the three parcels as requested. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Friedman, Councilmembers Himmelblau, Hofmann, Linn, Trevino

Noes: None

Abstain: Mayor Pro Tem Snell

Not in Council Chamber when roll was called: Councilmember Lebermann

REQUEST TO RECONSIDER SOUTHERN UNION GAS
COMPANY'S RATE APPLICATION

R. M. LACZKO, District Manager, Southern Union Gas Company, appeared before the Council to request reconsideration of Southern Union Gas Company's Rate Application and the passage of any necessary rate ordinance. Mr. Laczko briefly reviewed the rate application which indicated a revenue deficiency of \$2.36 million. The City's consultant, Hess & Lim, first recommended a rate increase of \$792,000, but following a review by Southern Union and Hess & Lim, a deficiency correction of \$353,000 was necessary for a total deficiency in rates of \$1,145,400. He then requested that the Council reconsider the action taken on January 13, 1977, and pass an ordinance to grant the \$1,145,400 recommended by Hess & Lim.

At this point, Councilmember Lebermann entered the Council Chamber.

Mayor Friedman then called for a motion. There was no motion; therefore, the denial stood as passed on January 13, 1977.

CITIZEN APPEARANCE TO DISCUSS ETHICS AND
CITY GOVERNMENT

ROBERT L. JENKINS, Vice-President, A Better Barton Creek, appeared before the City Council to request that the Council convene as an investigative body to investigate allegations that Mr. Sid Jagger violated several sections of the Ethics Ordinance and continued to do so by his position on the Planning Commission and continued to violate Article XII, Section 2, of the City Charter by simultaneously being a member of the Planning Commission and holding a contract with the City of Austin.

Mayor Friedman stated that the Municipal Court should determine if there had been a violation of the Ethics Code or Financial Disclosure Ordinance. Anyone could file a complaint with the Court. It was not a matter for the Council. The Council could convene to investigate the alleged Charter violation, but the proper direction to take could come only after the City Attorney prepared a legal memorandum as to whether or not there was any violation regarding the relationship between awarding the contract and when that person was a member of any board or commission.

Councilmember Linn stated that she had asked for that opinion from the City Attorney and was waiting for it. She made the following statement: "When the Ethics Ordinance was written I fully expected that we would have a commission that would review conflicts of interest, I see no reasons why, until we get the proper commission set up, the City Council should not do it because it's our responsibility."

Motion - Died for lack of a Second

Councilmember Linn moved the Council convene on February 15, 1977, at 2:30 p.m. to investigate a possible conflict of interest by Mr. Jagger as he served on the Planning Commission. The motion died for lack of a second.

Mayor Friedman stated that the legal opinion was still expected.

CITIZEN APPEARANCE TO DISCUSS THE 26TH STREET
AND DANCY INTERSECTION

MS. MARTHA ROOS appeared before the City Council and asked that the Council stand by its original decision of October 7, 1976, to barricade the intersection of 26th Street and Dancy pending the completion of the 26th Street extension to Manor Road. Ms. Roos reviewed the situation and action taken thus far by the Council. She questioned the validity of the traffic counts taken since the first count was made six weeks after the street was opened and the second count taken two weeks after the barricades were removed and the street reopened.

BILL BULLOCH, Urban Transportation Department, stated that he felt the two weeks' time in the second study was valid due to the familiarity of motorists with the area.

Motion

After some further discussion, Councilmember Linn moved that the Council authorize new traffic count to begin February 7, 1977, and that the matter be placed on the agenda for final resolution on February 24, 1977, and that advance notice be given to citizens on both sides as to the results of the count. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor
Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None

Deputy City Manager Reed stated that bid openings would be in October of 1977 and that completion of the project was expected by July, 1978.

CITIZEN APPEARANCES WITHDRAWN

MS. JOANNE DONNER requested to appear before the Council to discuss the Extraterritorial Jurisdiction and a step toward consolidating City and County interests; however, she did not appear to be heard.

GIL ORTIZ, Director, Austin-Travis County Alcohol Counseling Services, who requested to appear before the Council to discuss parking zone on San Antonio Street between West 6th and West 7th Streets, did not appear to be heard.

CITIZEN APPEARANCE TO DISCUSS HCD FUNDS

MS. LOIS WATSON, Chairperson, Community Development Commission, appeared before the Council and stated that both the Community Development Commission and the Planning Commission conducted needs assessments in the community. She requested that the needs assessment function be performed by CDC only and that all physical improvement projects resulting from the meetings be forwarded to the Planning Commission in priority by neighborhood. She stated that the Chairman of the Planning Commission tended to agree with her request. Third year planning had already been completed and the new procedure would cover all future projects.

Mayor Friedman felt that the best time to resolve the matter would be during the budget operation after the next election for City Council. He did not feel that there was a need to change procedures at present. Councilmember Himmelblau stated that she preferred to leave the procedures unchanged. Mayor Pro Tem Snell and Councilmember Linn agreed with Ms. Watson's position. Councilmember Lebermann stated that he did not take umbrage with the recommendation, but he felt that the time to make such organizational decisions was during the budgetary process. Councilmember Linn stated that she felt it was a better time than during the budgetary process.

Motion - Withdrawn

After some further discussion, Councilmember Linn moved that the Council designate the Community Development Commission to handle citizen participation functions and that physical plant matters be forwarded to the Planning Commission. The motion was seconded by Mayor Pro Tem Snell.

Deputy City Manager Reed stated that before the Council voted on the matter, it should be determined whether it could be sustained by the Housing and Urban Development Department of the Federal government. The CDC was heavily oriented toward representation from certain key neighborhoods or target areas. Mr. Reed felt that there was a serious question as to whether HUD would approve the program if citizen participation were developed in the manner recommended by Ms. Watson. He requested that Council action be deferred until a comment could be obtained from Housing and Development.

The Council agreed that the item would be placed on the agenda as soon as a response was received from HUD. At that point, Councilmember Linn WITHDREW her motion and Mayor Pro Tem Snell WITHDREW his second.

REQUEST FOR DRAG BOAT RACES

Mayor Friedman opened consideration on the request by the Austin Boat Club to hold three Drag Boat Races on Town Lake April 2 and 3, June 4 and 5, and August 13 and 14, 1977, recommended by the Navigation Board.

Motion

Councilmember Linn moved to deny the request by the Austin Boat Club. The motion was seconded by Councilmember Trevino.

Substitute Motion Died

A substitute motion was made by Councilmember Hofmann to accept the recommendations of the Ad Hoc Committee to allow three boat races on the dates indicated, on Festival Beach. The motion died for lack of a second.

Mr. Russell Fish of the Aqua Festival read a telegram from Dr. Billy Friels, President of the Southern Drag Boat Association, to Mr. Steve Harris, President of the Austin Aqua Festival. The telegram read as follows:

"The Southern Drag Boat Association will not sanction the Aqua Festival race in August of this year if this is the only race held at this course during the year. There must be at least two races prior to a national event. If these races are not

held, the SDBA Nationals will be moved to Memphis, Tennessee on the same date as the Aqua Festival. This race will be a double points race with an exceptionally large purse. Memphis, Tennessee, has been trying for years to acquire this national event from Austin, which has the largest turn out in the United States."

Mr. Fish then stated that in lieu of this, there would have to be three races at Festival Beach. Councilmember Hofmann asked Mr. Fish what effect cancellation of the boat races would have on the Aqua Festival. He stated that it would limit the scope of the Aqua Festival because only 5 of the 38 events are revenue producing. He said that it would cause restriction of the non-revenue producing events.

Mayor Friedman asked Mr. Fish how much money Aqua Festival receives from the boat races. Mr. Fish stated that about \$30,000 was generated to the Aqua Festival by the boat races. Mr. Fish stated that the Skipper Pins would have to be raised two or three dollars in order to reach \$30,000.

MS. MARY LEE, of South River City Citizens, spoke in opposition to the boat races. She stated that they had held a meeting last week with members of the City Council, Aqua Festival and Mr. Steve Harris, President of Aqua Festival. They asked that the Boat races be permitted Aqua Festival weekend only in order to allow the race and also to meet the needs of the community. She did not understand why the races had to be held at the location designated. She stated that she felt that boat racing was a luxury, whereas their homes were not a luxury. She suggested limiting the races to this year only and then asking Aqua Festival and the Boat Club to come up with something different for the future.

MR. RUEL SNOW, 1506 Lupine Lane, of the South River City Citizens group, spoke before the Council. He presented the Council with a statement made by the President of the Austin Chamber of Commerce in which he stated that cancellation of the Aqua Festival Boat Races would not scuttle Aqua Festival. He stated that although the boat racing is the biggest money-making event, the accumulative total of the Festival takes in more money. Mr. Snow stated that for the past few years, the Aqua Festival has been sustaining mostly off of help received from the City of Austin and not from the boat racing. He recommended continuance of this support and to even increase it if necessary. In conclusion, he stated that the various events of the Aqua Festival sustained the Festival long before the boat racing was initiated.

MR. PAUL HERNANDEZ, of the First Street Advisory Board and Centro Chicano, stated that they circulated a petition in their neighborhoods which stated the following:

"For the past fourteen years, the City of Austin has followed the perverse practice of allowing a small group of promoters to take their short term profits from an activity that criminally impairs the property rights of home owners and residents in the East Austin community. Each year, these races deny us the use of our streets, access to our homes and the use of our parks. They serve only to contribute to the overall deterioration of our neighborhood and do nothing for its integrity and well-being. We, the undersigned residents of

East Austin, do hereby petition this Council, to end the obnoxious practice of subordinating our rights and privileges of the neighborhood residents, to those of special interest groups whose activities serve only to diminish the value of our property. This end can only be accomplished by the relocation of the boat races from Town Lake."

He presented the petition to the Council along with precinct maps. There were 810 signatures on the petition from residents whose neighborhoods were bordered by Rainey Street on the west, 1st Street on the north, Canadian Street on the east and south to Town Lake.

Mr. Hernandez stated that in 1971 and 1976, the Council had been approached with the problem of boat racing on Town Lake. In 1976, the Boat Club and the Austin Aqua Festival were informed to return to the Council with some alternate sites for the races. He stated that they did not do this. He cited two letters from Mayor Friedman and Councilmember Linn to the South River City Citizens organization advocating relocation of the boat races from the Town Lake/East Austin area.

Councilmember Hofmann stated that studies had been made of other locations from up to Lake Long and City Park. Mr. Hernandez stated that there were no representatives of East Austin involved with the study. He felt that the interest of East Austin was not being fully accepted by the City. He stated that the Commission to which they presented their recommendations had only one minority on it.

MR. DANNY REED, Environmental Consultant with the Boat Club, spoke before the Council. He stated that he first started working with the Boat Club in 1971 when the noise issue was first called to the attention of the Council. He said that over the past week he has been examining alternate sites in the area but that Festival Beach still remains to be the best site. He stated that they had taken steps to reduce the noise by moving the boat pits, specifying certain hours which the boats could run, moving the course further west of I.H. 35, eliminating the boats that produced the most noise and also eliminating megaphone exhaust systems. In 1972-75, they cut the number of classes from 26 to 14, there is no starting boats on upper roads, and they have changed the qualifying requirements in order to reduce the number of boats. In 1975-76 he stated that they are using a holding rope, which means that no boats are allowed to start until its number is put on a board and then it immediately starts to go through the quarter mile. In this way, he stated, there is no revving up of the engines. He stated that sound tests are run during the races, in the residential areas, to locate noise problems. He stated that as to the traffic situation, they had found a way to route traffic away from east Austin. He said that in the last two years, the races have brought \$558,000 to Austin businessmen. He said that he had a 1200-name petition from persons living within the sound radius of the races, advocating that the races be held. He presented affidavits from elderly persons in the area who either said they were not bothered by the races and enjoyed them or that they didn't even know that the races were going on.

MR. SABINO P. RENTERIA of Centro Chicano and the Brown Berets spoke before the Council. He stated that his organizations met and decided that they did not want the boat races in east Austin.

MS. GLORIA CONTRERAS, representing the Brooke Community School Advisory Council and the Mexican-American Business and Professional Women of Austin, stated that the previous night at an advisory council meeting of the Brooke Community School, it was unanimously decided that the organization was against any boat racing on Town Lake in the east Austin area. She stated that the traffic situation during the races was very bad. They disapproved of noise and litter pollution brought about by the races.

Councilmember Linn pointed out that many of the persons complaining about the boat races who could not afford air conditioners and whose houses were open, whereas those persons who did not mind the races were persons who did own air conditioners and their houses were closed to the outdoor sound.

MR. WILLIAM HUNT, a resident of the Rebecca Baines Johnson Center, stated that their residents' council voted unanimously to eliminate the boat races because of the noise it generates. He suggested that the Aqua Festival look into other activities that people could enjoy rather than be bothered by.

MR. SID WELLINGER stated that he has viewed the boat races from the Rebecca Baines Johnson Center and has noticed no sound at all. He thought that the races would be an ideal way for people to become familiar with Austin. Councilmember Trevino pointed out that the races also pose a traffic situation in the area.

MR. JERRY BURLESON, of the Austin Boat Club, stated that each year his organization makes compromises that he said will eventually lead to elimination of the races altogether. He pointed out how the Aqua Festival boat racing event has come to gain national recognition since the beginning of Aqua Festival in 1961. He stated that his organization was not a special interest group but was engaged in helping other organizations throughout the City as well as their own. He closed by saying that they would need at least two production type races prior to a large national event.

Mayor Friedman suggested laying out a track in Lake Austin and holding the boat races there. Mr. Burleson stated, however, that this area was somewhat inaccessible. Mayor Friedman submitted that even though Austin had one of the best race courses in the country, that even a lesser course such as that at Lake Austin would still draw national events to the Austin area. Mr. Burleson stated that if such a course did prove to be what he termed a sloppy course, the racing event would probably not come back the following year. Councilmember Linn stated that City law stated that motor boats were not allowed between Tom Miller Dam and Lake Austin and that the races that were allowed were by special permit of the Council. She stated that in lieu of this, it probably would be better for the promoters to find another location for the races anyway. Mayor Friedman asked Mr. Burleson if the SDBA would automatically rescind accreditation if the races were moved to the Lake Austin area. Mr. Burleson stated that if the course could be prepared within two months and then inspected, that they would probably be allowed to schedule the races on this course. Mr. Burleson stated, however, that this would take a considerable amount of money to prepare the course and even then there would be no guarantee that the course would be usable. He stated that there were persons on the other side of the Lake in that area that may not want the boat racing there as well. He stated that they have compromised a lot, and they felt it was time that somebody else compromised.

Councilmember Hofmann asked Mr. Burleson if he felt Lake Austin at City Park would be the best alternative. Mr. Burleson introduced a Mr. Spiller, Technical Race Director for the Austin Boat Club. He stated that in using City Park, the Lake would have to be blocked off at either end to hold the races. He stated, however, that waves would still infiltrate the area and impair racing. There would also be a question of the on and off ramps leading into the area.

Mayor Friedman stated that between the Chamber of Commerce, the City and the Austin Boat Club, there should be something that could be done to make the races feasible at Lake Austin. Mr. Spiller stated that no matter where the races were moved to, somebody would complain that they didn't want the races held there. The Mayor stated that even though, they still wanted to locate the races in the area of least inconvenience. Councilmember Himmelblau stated that even if only one race were held, she felt that having the nation-wide reputation it does, the Town Lake race would still draw racers from around the country.

MR. RONNIE REYNOLDS, of the Aqua Festival, spoke before the Council. He stated that because of revenue generated by the boat races, Austin is able to send out people to represent the Aqua Festival around the state of Texas. He also stated that the Festival would be able to subsist even without financial help from the City of Austin. Mayor Friedman asked Mr. Reynolds if the Aqua Festival would still work with the boat event being held on Lake Austin. He stated that the Aqua Festival would work with the Boat Club to have races anywhere as long as the races could be sanctioned, and if it is safe. He stated, however, that they agreed with the Boat Club that the Lake Austin area was not safe. He stated that there are currently enough problems and liability at the present site on Town Lake.

MR. HECTOR FABELA of the Austin Parks and Recreation Board and the Montopolis Recreation Center Advisory Board, stated that it was not incumbent upon the Council to decide where the boat races should be. He stated that it was high time to take a look at the interests of the people and move the races. He said that it doesn't matter where they are moved to.

Substitute Motion

Mayor Friedman made a substitute motion to grant the Boat Club permission to have three races in Lake Austin, in front of City Park and request the staff to work with them to see what kind of requirements and notifications to property owners and blocking-off of the area can be accomplished so that the area can be used on those three weekends as set out in the request. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Mayor Pro Tam Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman

Noes: None

EMERGENCY ITEM
RELOCATION OF ROSEWOOD MENTAL HEALTH-MENTAL RETARDATION CENTER

Mayor Pro Tem Snell said that an emergency item concerning the relocation of Rosewood Mental Health-Mental Retardation Center was before the Council. A request for a staff report on the relocation had been made by Mayor Pro Tem Snell and Councilmember Himmelblau. Mayor Pro Tem Snell asked Andrew Ramirez for the report.

Mr. Ramirez said he had discussed the ramifications with the Director of MHMR, Mr. John Weimer, and also the Chairman of the Board. Mr. Ramirez reviewed the status report prepared by the Human Resources Department. All information which had been requested by the Department had not yet been received. A report had been received from MHMR indicating that they had complied with all of the procedures required in the contract for relocation. A newspaper article indicated that there was some disagreement by the advisory committee from the Human Development Center in the Rosewood area regarding relocation. The report submitted by the Human Resources Department indicated that there was agreement as to the two proposed locations and to pursue those two sites. A random survey by MHMR of the Center's clients indicated that there was no objection to moving the Center.

In response to Mayor Pro Tem Snell's question, Mr. Ramirez stated that according to his records, the Rosewood Advisory Group agreed with the locations. Councilmember Himmelblau said that during the budget work sessions it was her statement that the MHMR contract be tied to the relocation of the Rosewood Center. It was her assumption that it would meet with the approval of the Advisory Committee and would be relocated within the Rosewood area. City Manager Davidson stated that the staff wanted to provide the Council with whatever information they needed on any of the programs, but asked that they be more specific as to the information desired.

SAMUEL GRIGGS, Chairman of the Rosewood Advisory Committee, stated that the Committee recommended that a new facility be built within the high impact area currently being served by the Rosewood Center. He presented a letter to the Council which stated the Rosewood HDC Advisory Committee's position regarding the location of the Rosewood HDC.

ROBERT WILLIAMS, member of the Rosewood Advisory Committee, explained the reasons why the Advisory Committee took the position as stated in the letter presented by Mr. Griggs. The Advisory Committee objected to the 38-1/2 Street and Airport Boulevard location but would consider buying the one at 3511 Manor Road. The preferred site would be to build a center at the intersection of Springdale Road and Pecan Springs.

Mr. Griggs read a letter dated September 8, 1976, to Ms. Mary Helen Valadez, Chairperson, Austin-Travis County MHMR Board of Trustees, requesting that a Center be built within the high impact area.

MS. VALADEZ referred to a packet of information which she had sent to the Council. She asked that the Council and MHMR work together to resolve the problem of relocating the Center. Councilmember Himmelblau asked for clarification as to why the \$1.1 million loan at 9% to build a new Center was turned down by MHMR. Mayor Pro Tem Snell stated that he would like to see the HDC

Advisory Committee and MHMR work together. He had seen a similar problem while he served on the Child Guidance Board and he did not want to see the situation repeated with Rosewood HDC.

JOHN WEIMER, Administrative Director, Austin-Travis County MHMR, called upon Mr. Jack Ledbetter, attorney for MHMR to explain the matter of building a Center. MR. LEDBETTER stated that in the past, counsel had taken the position that MHMR probably could purchase land until someone raised a strong question about it. House Bill 3 gave no authority for MHMR to purchase land, but there was authority to build buildings. The Texas Department of Mental Health and Mental Retardation did not agree with the Austin-Travis County MHMR regarding construction, but that position was unofficial. A problem had arisen with Bexar County MHMR's purchase of land, and the Department had requested an opinion from Texas Attorney General John Hill. The request was made in December, 1976, was in the midst of discussions right after Mr. Ledbetter had rendered a general opinion but before the completion of the situation with the Rosewood Center. At that point Mr. Ledbetter advised Austin-Travis County MHMR that to purchase land could lead to an accusation of improper abuse of authority and responsibility in view of the situation. He had also advised the realtor involved in the negotiations for a new location that he would try to get a favorable ruling from the Attorney General as soon as possible. He had submitted a brief and asked other Centers around the State to submit briefs also. Opening of the current session of the Texas Legislature probably would delay the requested opinion about 60 days. Austin-Travis County MHMR had instructed Mr. Ledbetter to proceed with due dispatch to continue negotiations with the realtor toward financing, to try to get an immediate reply from the Attorney General and to try to get other Centers to file briefs.

Mr. Weimer pointed out the areas of agreement between Austin-Travis County MHMR and the Rosewood Advisory Committee:

1. It was a recently adopted policy of the MHMR Board that it would pursue buying land and building buildings as the best method to provide facilities for service.
2. The target area outlined should be the location for the Center.
3. The existing facility is inadequate.

In response to Councilmember Himmelblau's question as to the need to relocate for a year, Mr. Weimer stated that even if a favorable Attorney General's opinion were received, it would be about two years before a new location could be built. The fastest possible time would be one year. If the Attorney General did not rule favorably, then it would be necessary to get a Bill through the Legislature to obtain the authority. If the necessary legislation could not be obtained during the current session, then there could be further delay of one to two years. Mr. Weimer felt that the delay would be about 18 months, and he could not recommend that services stay at the present Rosewood Center under the existing conditions.

Mr. Weimer agreed with Councilmember Linn that relocating further away likely would decrease the number of clients being served by the Center. The Board of Trustees had instructed him to look into the possibility of a satellite at 2200 Rosewood Avenue and providing transportation from there to the 38-1/2 Street location.

Motion

Councilmember Trevino moved that the Council designate Mayor Pro Tem Snell and Councilmember Himmelblau to work together with the MHMR Board of Directors and staff and the Rosewood Advisory Committee to find the quickest and best way possible to resolve the problem. After statements from Councilmember Himmelblau and Mr. Howard Chiles, member of the Austin-Travis County MHMR Board of Trustees, Councilmember Trevino amended his motion to include that no relocation of the Rosewood HDC take place without approval from the Council. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell

Noes: None

MS. ADA ANDERSON, a realtor who had been working to help locate a facility for Rosewood HDC, made the following points:

1. A concrete offer was made about a year ago to build a building to the specifications of MHMR and lease it to them on the property located at the corner of Oak Springs and Springdale Road. The land was offered at 50 cents per square foot and would require minimum construction problems. The location also was good. She had never heard the Board discuss the offer which was made to Mr. Weimer.
2. She understood the matter of getting an Attorney General's opinion, but the opinion had not been requested even as recently as a year ago and things seemed to have moved slowly.
3. At the last meeting of the Rosewood Advisory Committee, the Committee and Rosewood staff requested that the Board delay any move at all until the Attorney General's opinion was received.

DESIGNATING PUBLIC AREAS FOR UNLEASHED DOGS

Mayor Pro Tem Snell opened the public hearing to consider designating public areas where dog owners could exercise their dogs unleashed, scheduled for 3:30 p.m. Councilmember Hofmann stated that the new dog ordinance would go into effect as of February 1, 1977, and that there had been no time for a public hearing prior to the meeting. She suggested that certain areas should be settled upon so that they could be included in the publicity that would go out to advise the public that the ordinance was going into effect. She stated that Mr. Jack Robinson of the Parks and Recreation Department selected three sets of priorities where dogs could run free. She asked Mr. Robinson to come forward to outline the priorities he recommended.

Mr. Robinson stated that they tried to find a central location in the City that would be easy for people to come to. They tried to find an area that would not conflict with persons coming there for a picnic and some place that was not highly developed. The first area of priority was Festival Beach from I.H. 35 to Fiesta Gardens; second, Auditorium Shores, from South 1st Street west to Bouldin Creek; and third, Zilker Park, between Stratford Drive, Barton Springs Road and the Park River Road. He said that these were open areas with little development in them.

The second priority they had was the public properties that had not been developed nor were planned to be developed. He stated that he checked with the Departments that had control over these areas and that they had no problem with the recommendation. One was the Far West Boulevard right-of-way, located between Great Northern Boulevard and Shoal Creek Boulevard. He stated that the homes in this area had high wooden fences and that he did not anticipate any problem with the residents in the area. Second was the surplus airport land located east of Old Manor Road and west of Manor Road and north of the Airport fence between these two streets and parallel to Lovell Street. He said that this area was in the general vicinity of the Community Garden site between the Garden site and Old Manor Road. The third in this area was Red Bud Isle, east of Red Bud Trail.

The third priority areas were park areas that had been purchased but had not been developed. He stated that at such time as the areas were to be developed, they would recommend that the use of these areas for dogs be discontinued. The first area was the Onion Creek District Park, south of Chunn Road along Onion Creek and south of the Jimmy Clay Golf Course. Second, the Northeast District Park which is north of Decker Lake Road and generally east of Crystalbrook Drive and west of Martin Luther King, Jr., right-of-way. Third, the Walnut Creek District Park on Lamar Boulevard, generally south of Cedar Bend Drive and along Walnut Creek. Fourth, Lake Austin Metropolitan Park in the area above the bluff line and west of the park entrance road.

Councilmember Himmelblau stated that she had had numerous requests for the park along Shoal Creek Drive from 24th Street north. She stated that this was away from a park area and was in a high density area as far as persons getting to it. Mr. Robinson stated that this was a possible area and that the only concern they would have would be for joggers upon this particular trail. He recommended a larger area on Shoal Creek around 34th Street. He stated that this area was not developed. Councilmember Hofmann asked Mr. Robinson what he thought about the 29th Street area. Mr. Robinson stated that there was private property in that area and that that area would present a problem. He said that it would be better to limit the area to the south of 34th Street and the Creek. He also suggested consideration of using some of the park areas in the early morning hours. Councilmember Himmelblau recommended the trail from 24th Street north up to 5:00 or 6:00 p.m. in the evening. Mr. Robinson said that this would present a problem for joggers, but that this would be of little conflict. Councilmember Linn asked Mr. Robinson what he thought about putting the dogs on hike and bike trails. Mr. Robinson stated that he did not recommend this because he felt that putting dogs on these trails would conflict with joggers.

MR PAUL HERNANDEZ opposed putting dogs in the east Austin area because of children who would be using pool facilities in the area. Councilmember Hofmann asked Mr. Hernandez if he had any suggestions for a site. He stated that he did not have any recommendations.

MR. JOHN MOORE spoke in opposition to putting the dogs on Festival Beach. He stated that the Parks and Recreation Department did not recognize this area as a developed area. He said there would be conflict in allowing dogs to run free in this area. He stated that he had heard no alternate suggestions for east Austin other than the north side of Festival Beach. Councilmember Trevino suggested using the south side of the beach. Mr. Moore wanted picnic tables placed in the Festival Beach area and make a community park out of the area. He said that this was the reason why they were opposed to putting the dogs as well as the boat races in that area.

MS. SALLY BEVINS stated that she thought the Council was over-reacting to what they thought the number of persons using the hike and bike trails would be. She recommended designating areas all around town where people could run their dogs. She recommended using the hike and bike trails for the dogs. She stated that playground areas or playing fields should not be used. She said that if there was a problem, the law could be strengthened. She did not feel that putting the dogs on the hike and bike trails would conflict with joggers in the area. Councilmember Linn asked Ms. Bevins what area in the University area she would recommend. Ms. Bevins stated that the Shoal Creek hike and bike trail, north of Pease Park or north of 24th Street would be good areas.

Councilmember Himmelblau stated that she was not satisfied with the ordinance and asked the City Attorney if there would be any way in which the ordinance could be delayed taking effect on February 1, 1977. Mr. Don Wolfe, Assistant City Attorney, stated that the ordinance was already in motion, and that the Council would have to pass another ordinance rescinding the first one. He stated that the Council would have to specifically designate what areas would be allowed for dogs to run if the ordinance was to be enforced. Councilmember Himmelblau suggested having areas designated in every quadrant of the City.

Councilmember Hofmann moved that the Council accept the following: Out of Area Priority 1, Auditorium Shores from South 1st west to Bouldin Creek and Zilker Park from Stratford Drive to Barton Springs Road and Park River Road; also the other recommendations as well, both Priority 2 and Priority 3; and add to it the hike and bike trail along Shoal Creek and Pease Park from 24th Street on to 34th. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino,
Mayor Pro Tem Snell, Councilmember Himmelblau

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

Assistant City Attorney Don Wolfe stated that this would come back in the form of an ordinance for the following week.

The Council recessed at 5:45 p.m. until 7:00 p.m.

PUBLIC HEARING ON THE REALLOCATION OF HCD FUNDS

Mayor Pro Tem Snell called the meeting to order at 7:00 p.m. for the hearing on the reallocation of \$1,933 million in HCD funds. He called the staff to make the presentation on this first. It was emphasized that no decisions would be made at this meeting. It was the first of the two required public hearings.

MIGUEL GUERRERO, Chairman, Planning Commission, submitted the following report:

The Commissions are pleased to transmit their unanimous recommendation for projects to be funded by the reallocation of HCD funds. The process used to develop this recommendation included the appointment of a joint subcommittee composed of three members of each commission. The joint subcommittee held seven meetings, including three public hearings, since January 10, 1977. During these meetings the subcommittee reviewed the needs identified at neighborhood meetings in 1976, projects which addressed these needs, citizen requests at public hearings held on January 12, 13 and 15, and proposals submitted by City departments and other public and private organizations.

The following recommendation is presented in two parts:

I. FIRST PRIORITY PROJECTS

Shady Lane bridge	\$ 279,000
Webberville Road reconnection at Boggy Creek	79,000
Housing Rehabilitation	500,000
Model Cities Clinic acquisition	175,000
Home management/maintenance counseling	72,000
South Austin Recreation Center repair and development of grounds	180,000
Civitan Park improvements	50,000
Buttermilk Creek Park improvements	100,000
Rosewood Park tennis court/lighting improvements	23,000
East 1st Street Neighborhood Center land acquisition and construction	281,000
Revolving fund for historic preservation	150,000
Contingency and 1975 HCD cost overruns	<u>44,000</u>
TOTAL	\$1,933,000

This list of projects includes the following considerations which are an integral part of the recommendation:

1. Strong consideration should be given to the combination of the Model Cities Clinic and the East 1st Street Neighborhood Center as a single project similar to the Rosewood-Zaragosa Center. It is anticipated that considerable savings in land acquisition, site development, parking, etc., would result from such a combination and that the mutually reinforcing activities would benefit the residents of the neighborhood.
2. Initial proposals for the construction of the Shady Lane bridge and reconnection of Webberville Road including paving improvements which although important are not essential to implement the projects. It is recommended that these attendant paving improvements be included as part of the projects but funded by street bonds:

Shady Lane paving from East 7th Street to Airport Boulevard \$121,000

Webberville Road paving from East 7th Street to Northwestern Avenue \$135,000

3. The closing of Webberville Road at Boggy Creek has hurt businesses and residents of not only the adjacent property, but in the entire neighborhood. To avoid similar situations in the future it is strongly recommended that neighborhood residents and property owners be notified and diligently informed of proposed street pattern changes and street vacations.

II. SECOND PRIORITY PROJECTS - The following projects are listed in priority order and are recommended should any additional funds become available:

Rosewood Park - completion of tennis courts and lighting improvements \$ 27,000
Ricky Guerrero Park - parking 20,000
West Bouldin Creek - hike and bike trail 350,000

Mayor Pro Tem Snell then asked if there were any others who wished to make public comment. He reiterated no decision would be made at this meeting.

PEGGY BROWN, representative of Symphony Square project, 11th and Red River, said in the past week they had done some heavy re-assessing and evaluating in regard to completion of Symphony Square. They have found they are in very poor shape. They are making a one-time request for a basement, restaurant and green room in the amount of \$195,000.00.

FREDDIE DIXON, representing the Austin Urban League Sponsoring Committee, asked for serious consideration of the proposal that had been unanimously voted upon. He urged the Austin Urban League Sponsoring Committee's proposal to provide a comprehensive home management and maintenance program. This plan would be for the enhancing and rehabilitation of certain neighborhoods experiencing deterioration. They have five main goals:

1. To afford families with the sophistication necessary to meet the physical demands encountered in home ownership or rental process.
2. To facilitate the activities of the City of Austin in implementing the housing and community development plan.
3. Establish a working relationship with realtors, landlords and developers who have housing units for competent people in need.
4. To establish and enhance cooperation between local social service agencies and provide businesses involved in various aspects of housing.
5. To develop a follow-up procedure to ascertain the degree of success of each client going through the program.

Councilmember Himmelblau asked if this amount would be mostly for salaries for professional people. Mr. Dixon replied that it would not be the bulk of the amount, because there will be three full-time people and the goal is to service the whole City of Austin.

Councilmember Trevino asked for a copy of what was just read.

JOHN BERNADELLI, President, Paramount Theatre for the Performing Arts, was there representing Leslie Gage, the Chairman. He said the Paramount Theatre is asking for \$120,000.00 for backstage improvements and renovation to backstage and below stage facilities. These improvements have been demanded by the Actor's Equity Association. He said the Paramount was an integral part of bringing about the revitalization of the downtown core area. Notification from Actor's Equity, an organization which basically has the power to shut the theatre down, demands that unless the backstage improvements are rectified by September, 1977, they would ban the theatre from any professional performances. This would mean the theatre would be totally closed. Councilmember Trevino asked, if the Council cannot find money at this time, would the 3rd year funding be possible for this project. He was told that the repairs had to be made by September.

SHARON WATSON, Texas Commission on the Arts and Humanities, was at the meeting to request support for Spectrum to renovate space for a fine arts school and art center for the deaf population. She was also supporting the Paramount Theatre's request for money for repairs. JANETTE NORMAN, Co-Director of Spectrum, said that negotiations were under way to lease or purchase property located on Fourth Street. It is to be used as a center for a professional company of deaf dancers, and eventually a Fine Arts School and Art Center. She said they are asking the City for \$153,000.00. Councilmember Trevino asked about the facility being leased. Ms. Watson said they were negotiating prior to learning about funding possibility. She said Mayor Friedman had suggested that they make application.

Councilmember Linn asked who would own the building eventually. She was told it would be owned by Spectrum - Focus on Deaf Artists, or a package of investors working closely with Spectrum. Councilmember Trevino wanted to know if they could legally expend those monies. He was told that renovations could not be made to any building not owned by the City. Buildings should also be under historical preservation. Councilmember Lebermann asked if it would be possible for her to look into this through the Landmark Commission. There was doubt raised as to whether this program would qualify under HCD, but it would qualify for the receipt of a grant of general city revenues. Mayor Pro Tem Snell suggested that she get together with the person who had told her about funding and find out what could be done.

MARGARET LOERA, Chairperson of the South Austin Recreation Center's Advisory Board. She was there to emphasize the need for the recommendations requested for the Center. She said the roof and floor were in sore need of repair. She was also talking for the acquisition of the Model Cities Clinic.

FATHER JOE ZNOTAS, Chairperson of the Human Relations Commission, was there to strongly urge the opening of a linkage between Pedernales and Webberville.

Mayor Pro Tem Snell said that the second public hearing on the reallocation of \$1.933 million dollars in HCD funds would be on February 10, 1977, at 7:00 p.m.

ADJOURNMENT

Mayor Pro Tem Snell adjourned the meeting at 7:55 p.m.

APPROVED: 
Mayor

ATTEST:



City Clerk